REMARKS

Claims 1-18, 20-25 and 27-29 are all the claims pending in the application.

Claims 1-8, 13, 16-18, 20-22, 25, 28 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwama (U.S. Patent No. 6,600,735) in view of Gous (U.S. Patent Application Publication No. 2002/0194316).

Claims 23 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwama in view of Gous, and further in view of Maher (U.S. Patent No. 5,381,403).

Claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwama in view of Gous, and further in view of Muirhead (U.S. Patent Application Publication No. 2003/0123446).

Claims 9-12, 14 and 15 are indicated as containing allowable subject matter.

Preliminary Matters

Claims 9-12, 14 and 15 are indicated as containing allowable subject matter. However, Applicants note that the Examiner requests to rewrite these claims to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph.

Applicants submit that the amendments to claims 9-12 and 14-15 to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in the previous Office Action, were submitted with the Amendment filed May 21, 2008. Accordingly, Applicants respectfully request the rejection of claims 9-12 and 14-15 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Also, Applicants request the Examiner indicate acceptance of the replacement drawing, submitted with the May 21 Amendment.

Rejections of Claims 1-8, 13, 16-18, 20-22, 25, 28 and 29

Claims 1-8, 13, 16-18, 20-22, 25, 28 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwama (U.S. Patent No. 6,600,735) in view of Gous (U.S. Patent Application Publication No. 2002/0194316). Applicants respectfully traverse.

Claim 1 recites among other elements: "monitoring means (MM) arranged so as to order the constitution of a specific measurement configuration in each measuring appliance (Mi) as a function of at least its measuring process and overall measurement specifications."

Iwama describes an Internet telephone connection method in which the bandwidth controller (103) performs a bandwidth control between devices in the Internet (110). (Col. 7, lines 18-19).

The Examiner concedes that Iwama does not disclose monitoring means to order the constitution of a specific measurement configuration in each measuring appliance as a function of at least its measuring process and overall measurement specifications, and calculation means to deliver data representative of the parameter values of overall end-to-end data streams from local measurements delivered by the configured measuring appliances. The Examiner contends that Gous teaches the element 30 to perform the function of the monitoring means and element 32 to perform the function of the calculation means as claimed. (See Office Action, page 3, line 13 - page 4, line 6).

The Examiner's reliance on elements 30 and 32 of Gous does not support the rejection.

Gous describes a changeover from the current network configuration to the desired network configuration. The changeover system 10 issues instructions to the respective nodes to modify routing and/or bandwidth admission level information stored at each of the nodes. (Paragraph 32).

A changeover sequence creation module 30 receives the existing configuration and the desired configuration from the configuration database 24. The changeover sequence creation module 30 generates a changeover sequence of configuration specifications (e.g., routing and bandwidth admission level configuration specifications) to migrate the network 12 from an existing configuration to a desired configuration. (Paragraph 34).

Therefore, Gous teaches generating the revisions to the configuration *specification* for the network nodes, such as a revision to the routing and bandwidth admission level, based on the current and desired configuration, to facilitate the changeover of the network from the current configuration to the desired configuration. Gous does not teach or suggest generating a *measurement* configuration for the node as a *function* of the *measuring process* of the node *and* overall measurement specifications.

Further, Gous teaches the changeover signaling module 32 which converts the changeover sequence into a list of instructions that are communicated to sets of nodes of the network 12. The changeover signaling module 32 receives acknowledgments from the nodes that the relevant nodes have successfully executed the received instructions. (Paragraph 35). Gous does not teach or suggest that the changeover signaling module 32 receives data representative of the parameter values of overall end-to-end data streams from local measurements delivered by the nodes. The acknowledgement message is *not* parameter values of the measurements.

In summary, because neither Iwama, nor Gous, taken singularly or in combination, teaches or suggests at least "monitoring means (MM) arranged so as to order the constitution of a specific measurement configuration in each measuring appliance (Mi) as a function of at least its measuring process and overall measurement specifications, and (ii) calculation means (CM) arranged so as to deliver first data representative of the parameter values of overall end-to-end data streams from local measurements delivered by the said configured measuring appliances," **claim 1 and dependent claims 2-8, 13, 16-18, 20-22, 25 and 28** distinguish patentably and unobviously over Iwama and Gous.

Claim 13

In addition to its dependency on claim 1, **claim 13** recites "main calculation module is arranged to determine said first data from local measurements delivered by the said configured measuring appliances, the said local measurement specifications, at least one value aggregation model and at least one of said measurement models."

As discussed above, Gous teaches the changeover signaling module 32 to send the changeover sequence converted into instructions to the nodes and receive an acknowledgment

about the successful execution of the instructions. (Paragraph 35). Gous does not teach or suggest that the changeover signaling module 32 receives the "data from local measurements delivered by the said configured measuring appliances, the said local measurement specifications, at least one value aggregation model and at least one of said measurement models," as claimed in claim 13.

It is, therefore, respectfully submitted that **claim 13** distinguishes patentably and unobviously over Iwama and Gous.

Claim 28

In addition to its dependency on claim 1, **claim 28** recites:

> a first measuring appliance associated with a first network domain and executing a first measuring process to collect the local measurements of a first local end-to-end data stream which traverses the first network domain;
>
> a second measuring appliance associated with a second network domain, coupled with the first network domain, which second measuring appliance executes a second measuring process to collect the local measurements of a second local end-to-end data stream which traverses the second network domain; and
>
> a third measuring appliance associated with a third network domain, coupled with the second network domain, which third measuring appliance executes a third measuring process to collect the local measurements of a third local end-to-end data stream which traverses the third network domain,
>
> wherein each first, second and third measuring process differs from other measuring processes being executed.

The Examiner contends that Iwama's elements 1705, 1709 and 1710 are the first, second and third measuring appliances as claimed. (Fig. 8). Applicants respectfully submit that the Examiner misinterprets Iwama.

Iwama describes the gateway device (102) implemented by a communication control switch (1709), a voice processor (1710), etc. (Fig. 8, col. 13, lines 17-24). The bandwidth control unit 1705 is the application software which implements the bandwidth reservation, the reservation cancel, the reservation alteration, and the monitoring. (Col. 13, lines 1-3). The communication control switch 1709 implements buffering and distribution of

transmission/reception signals between the gateway device 102 and the Internet 1508 and serves to control the lines and the bandwidths, etc. The voice processing device 1710 implements a function of converting speech packets transmitted/received in the Internet. (Col. 12, lines 28-32, 45-48).

Therefore, all of the devices 1705, 1709, and 1710 cited by the Examiner form the single gateway device 102 which belongs to a single zone. Iwama does not teach or suggest that the gateway device of each zone includes only one of the bandwidth control unit 1705, the communication control switch 1709, or the voice processing device 1710 so that one of the bandwidth control unit 1705, the communication control switch 1709, and the voice processing device 1710 is associated with only one zone. Additionally, Iwama does not teach or suggest that each of the bandwidth control unit 1705, the communication control switch 1709, and the voice processing device 1710 performs a measuring process. Moreover, Iwama does not teach or suggets that these devices each performs a measuring process which is different from the rest of the measuring processes. In fact, Iwama does not provide any support in the specification for collecting the local measurements of the local end-to-end data stream via the various measuring processes.

It is, therefore, respectfully submitted that **claim 28** distinguishes patentably and unobviously over Iwama and Gous.

Claim 29 recites features similar to, although not necessarily coextensive with, the features argued above with respect to claim 1. Therefore, arguments presented with respect to claim 1 are respectfully submitted to apply with equal force here. Therefore, it is respectfully submitted that **claim 29** distinguishes patentably and unobviously over Iwama and Gous, taken singularly or in combination.

Rejections of Claims 23-24

Claims 23 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwama (U.S. Patent No. 6,600,735) in view of Gous (U.S. Patent Application Publication No. 2002/0194316), and further in view of Maher (U.S. Patent No. 5,381,403).

Claims 23-24 depend on claim 1. Applicants have already demonstrated that Iwama and Gous do not meet all the features of independent claim 1. Maher does not compensate for the above-identified deficiencies of these references. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since **claims 23-24** depend on claim 1, they are patentable at least by virtue of their dependency.

Rejection of Claim 27

Claim 27 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Iwama (U.S. Patent No. 6,600,735) in view of Gous (U.S. Patent Application Publication No. 2002/0194316), and further in view of Muirhead (U.S. Patent Application Publication No. 2003/0123446).

Claim 27 indirectly depends on claim 1. Applicants have already demonstrated that Iwama and Gous do not meet all the features of independent claim 1. Muirhead does not compensate for the above-identified deficiencies of these references. Together, the combined teachings of these references would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claim 1. Since **claim 27** depends on claim 1, it is patentable at least by virtue of its dependency.

CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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